

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 2:11-CR-00271-KJD-CWH

V.

ORDER

LEE FRANK WILSON,

Defendant.

Before the Court is Defendant's Motion for 10 Minutes of Attorney Conducted Voir Dire (#38). The Court's Pretrial Order (#26) required proposed juror voir dire to be submitted the Wednesday before trial, March 7, 2012. At calendar call on March 6, 2012, counsel for both parties were reminded of the requirements to have such documents timely delivered to the Court by that date. The Pretrial Order provides for imposition of sanctions against any attorney who fails to timely file proposed voir dire questions or other documents as ordered. The Government timely submitted its proposed voir dire questions on March 7, 2012. Counsel for Defendant failed to submit proposed voir dire questions, choosing instead to file the instant motion.

This Court conducts its own juror voir dire. In accordance with Federal Rules of Criminal Procedure (F.R.Cr.P.) Rule 24(a)(2)(B), the Court allows the parties to submit further questions that the Court may ask if it considers them proper.

1 It appears from the instant Motion that counsel already has in mind the questions he will
2 propound if given the opportunity, however does not wish to disclose those questions to the Court or
3 opposing counsel before trial. This approach would allow counsel to ask questions which may be
4 improper, unduly intrusive, or risk tainting of the juror pool without the Court having an opportunity
5 to intercede before the damage is done. Also of concern is the fact that there can be no assurance
6 Defense counsel would limit questioning of a panel of 32 prospective jurors and replacements to 10
7 minutes.

8 It is **Ordered** that Defendant's Motion for 10 Minutes of Attorney Conducted Voir Dire
9 (#38) is **DENIED**.

10 It is **Further Ordered** that defense counsel will submit to the Court and opposing counsel his
11 proposed juror voir dire questions no later than 3pm this day. The Court defers the matter of
12 sanctions for failure to comply with the orders of the court until conclusion of trial.

13 DATED this 8th day of March 2012.

14
15 
16 _____
17 Kent J. Dawson
18 United States District Judge
19
20
21
22
23
24
25
26